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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,275	01/16/2002	Gerold Fleissner	865.41078X00	3523

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,275

Applicant(s)

FLEISSNER, GEROLD

Examiner

Scott Haugland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the endless circulating transport element (18, 19) extending beyond the following endless conveyor 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 18 are objected to because of the following informalities:

In claim 1, line 2, "only" should be --only by--.

In claim 18, line 1, "nonwoven" should be --nonwoven material—. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 3, the specification does not describe processing and cooling the nonwoven material at an intrinsic temperature of the material.

With regard to claim 7, the drum supplied with cooling air is not described in the specification.

With regard to claim 8, the specification does not describe an endless circulating transport element 18 extending beyond the following endless conveyor 17 (fig 2).

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear from the specification what is involved in processing and cooling the nonwoven material at an intrinsic temperature of the material as required by claim 3.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 8, lines 4-6 is not consistent with Fig. 2 which shows the permeable endless delivery conveyor 18 extending past the beginning of the following endless conveyor 17, but not beyond conveyor 17 as claimed.

The language of claim 9, lines 3-4 appears inaccurate since it is the nonwoven material that partially encircles the lower roll of calender rolls 5 as shown in Figs. 2 and 3.

In claim 10, line 2, "the permeable endless delivery conveyor" lacks sufficient antecedent basis. The same language appears on lines 3-4.

In claim 10, lines 4-5, "said following endless conveyor" lacks sufficient antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-10, and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Meschenmoser.

Meschenmoser discloses a device for delivering a thin, unbonded, nonwoven material from a pressing roller pair 5, 9 to a following adjacent roller 35 encircled by a conveyor 33 for further transport comprising (a) a circulating transport element 13, 15, 17 including a first deflection roller 15 and a permeable endless delivery conveyor 13, (b) a suction device 23 supplying a partial vacuum acting against a non-transporting side of transport element 13, 15, 17, (c) a suction device (incorporated in roller 35) to receive material from the delivery conveyor, and (d) a following endless conveyor 33 encircling a following adjacent roller 35.

The method and apparatus disclosed by Meschenmoser are capable of transporting thin nonwoven material (claim 1) and thin, unbonded nonwoven material (claim 5) from a pressing roller pair traversed only by the nonwoven material. The preamble of claim 1, which recites a pressing roller pair traversed only by the nonwoven

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material is not given patentable weight since it is not tied to the claimed method steps.

Similarly, the preamble of claim 5 is not given patentable weight.

With regard to claim 8, the circulating transport element 13 of Meschenmoser is seen to extend up to and beyond the following conveyor 33 to the extent that Applicant's transport element 18 does. Both are disclosed as extending past the beginning of the following conveyor, but not past the end.

With regard to claims 8, 15, and 17, the pressing roller pair 5, 9 is a calender roller pair since it provides a compressing treatment to a web in a process for manufacturing the web. Further, with regard to claims 15-18, the transfer device of Meschenmoser is capable of use with calender rollers that do not completely bond the nonwoven material. Additionally, with regard to claims 16 and 17, the web is not fully bonded until it has been dried.

Claim Rejections - 35 USC § 103

Claims 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meschenmoser in view of Brabant et al.

Meschenmoser discloses a device for delivering a thin, unbonded, nonwoven material from a pressing roller pair 5, 9 to a following adjacent roller 35 encircled by a conveyor 33 for further transport comprising (a) a circulating transport element 13, 15, 17 including a first deflection roller 15 and a permeable endless delivery conveyor 13,

(b) a suction device 23 supplying a partial vacuum acting against a non-transporting side of transport element 13, 15, 17, and (c) a following endless conveyor 33 encircling a following adjacent roller 35.

Meschenmoser does not disclose an endless circulating transport device in the form of a counter-rotating perforated drum.

Brabant et al teaches providing a perforated suction drum 4 to transfer a nonwoven fiber web 1 from a conveying device 2 to an adjacent conveying device 3a, 3b.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Meschenmoser with a perforated drum as taught by Brabant et al to transfer the nonwoven material from pressing roller pair 5, 9 to the following endless conveyor 33, 35 in lieu of the transport element 13, 15, 17 of Meschenmoser since Brabant et al teaches an equivalent mechanism for transferring a delicate web between conveyors by suction. It would have been obvious to an ordinary artisan to make the perforated drum rotate counter to lower pressing roller 5 so that the material is fed along a path similar to that provided by belt 13 of Meschenmoser.

The apparatus disclosed by Meschenmoser is capable of transporting thin, unbonded nonwoven material from a pressing roller pair traversed only by the nonwoven material to a following adjacent roller as recited in the preamble of parent claim 5.

With regard to claim 12, the web transfer devices of Meschenmoser and Brabant et al both draw in ambient air.

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 5/9/03 have been fully considered but they are not persuasive. Applicant argues that the pressing roller pair 5, 9 of Meschenmoser is traversed by a wet felt, not just a nonwoven material. However, the corresponding claim language is present only in the preambles of claims 1 and 5, which recite that the pressing roller pair is traversed only by a nonwoven material. The method steps and structural limitations recited in the bodies of the claims are not tied to the preambles of claims 1 and 5 so as to require more than that Meschenmoser merely be capable of transferring nonwoven material from a pressing roller pair traversed only by a nonwoven material to an adjacent following roller. Since the transfer device of Meschenmoser is capable of transferring material delicate enough to require support by a wet felt, it is clearly capable of transferring more substantial material that does not require it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday and every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A97K
sjh
July 22, 2003

Kathy Matecki
KATHY MATECKI
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